

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

WSOU INVESTMENTS, LLC d/b/a  
BRAZOS LICENSING AND  
DEVELOPMENT,

Plaintiff,

v.

DELL TECHNOLOGIES INC., DELL  
INC., EMC CORPORATION, AND  
VMWARE, INC.,

Defendants.

Case No. 6:20-cv-00486-ADA

**DEFENDANTS' NOTICE OF SUPPLEMENTAL EVIDENCE IN SUPPORT OF  
OPPOSED MOTION FOR INTRA-DISTRICT TRANSFER OF VENUE  
TO THE AUSTIN DIVISION OF THE WESTERN DISTRICT OF TEXAS**

Defendants respectfully submit this Notice of Supplemental Evidence in support of their opposed motion for intra-district transfer of venue to the Austin Division. *See Pacheco v. Dibco Underground, Inc.*, No. A-08-CA-187-SS, 2009 WL 10669462, at \*1 (W.D. Tex. Mar. 3, 2009) (considering supplemental evidence).

On January 20, 2021, in the District of Delaware, Plaintiff WSOU Investments, LLC d/b/a Brazos Licensing and Development (“WSOU”) filed an Opposition to Xilinx, Inc.’s Motion to Transfer Venue Pursuant to 28 U.S.C. § 1404 and the Declaration of Stuart Shanus. *See* Case No. 20-1228-CFC (D. Del.), D.I. 23, 24.<sup>1</sup> Defendants have attached WSOU’s Delaware opposition brief as Ex. 21 and the Shanus Declaration as Ex. 22 to this Notice.

Previously, in this Court, WSOU opposed Defendants’ motion to transfer to Austin by arguing that its “person with knowledge relevant to these cases” is Matt Hogan, a WSOU employee

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<sup>1</sup> WSOU filed the same papers in Case Nos. 20-1229, 20-1231, 20-1232, and 20-1233 (D. Del.).

residing in Waco. *See* D.I. 53 (Opp.) at 3. WSOU refused to acknowledge any employees outside of Waco.

However, in WSOU's lawsuit against Xilinx, WSOU admitted to the Delaware court that "WSOU's witnesses most knowledgeable about its licensing practices are Stuart Shanus and Craig Etchegoyen[.]" *See* Ex. 21 at 3 (citing Ex. 22 ¶ 6). Neither Mr. Shanus nor Mr. Etchegoyen live in Texas, let alone Waco. *See, e.g.*, D.I. 43 (Mot.) at 2–3. WSOU did not mention Mr. Hogan in its briefing before the Delaware court; nor did WSOU mention Mr. Shanus and Mr. Etchegoyen in its briefing before this Court.

Dated: February 5, 2021

By: /s/ Barry K. Shelton

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**CERTIFICATE OF SERVICE**

The undersigned certifies that on this 5th day of February 2021, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document through the Court's CM/ECF system under Local Rule CV-5(b)(1).

/s/ Barry K. Shelton  
Barry K. Shelton